

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON – SEATTLE DIVISION

DANIEL J. SOGN,

Plaintiff,

v.

ALASKA USA FEDERAL CREDIT UNION
and CAREFUL ASSET RECOVERY
SERVICE, INCORPORATED,

Defendants.

NO. 2:17-CV-0432

DEFENDANT CAREFUL ASSET
RECOVERY SERVICE,
INCORPORATED'S ANSWER AND
AFFIRMATIVE DEFENSES

Defendant Careful Asset Recovery Service, Incorporated ("CARS") answers Plaintiff's Complaint for (1) violations of the fair debt collection practices act, (2) violations of the uniform commercial code, (3) violations of the Washington consumer protection act, (4) breach of contract as follows:

DEFENDANT CAREFUL ASSET RECOVERY
SERVICE, INC.'S ANSWER AND AFFIRMATIVE
DEFENSES [2:17-CV-0432] - 1

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Seattle, WA 98119
Tel: 206-223-9248 • Fax: 206-623-9050

1 1. In answer to paragraph 1 to Plaintiff's Complaint, Defendant CARS lacks knowledge
2 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
3 denies the same.

4 2. In answer to paragraph 2 to Plaintiff's Complaint, Defendant CARS denies each and
5 every allegation.

6 3. In answer to paragraph 3 to Plaintiff's Complaint, Defendant CARS specifically
7 denies sending any individuals to Plaintiff's residence. Defendant CARS lacks knowledge or
8 information sufficient to form a belief as to the truth or falsity of the remaining allegations in
9 paragraph 3, and therefore, denies the same.

10 4. In answer to paragraph 4 to Plaintiff's Complaint, Defendant CARS denies the
11 presence of any employees, agents, or individuals acting on its behalf at plaintiff's residence.
12 Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity
13 of the remaining allegations in paragraph 4, and therefore denies the same.

14 5. In answer to paragraph 5 to Plaintiff's Complaint, Defendant CARS denies the
15 presence of any employees, agents, or individuals acting on its behalf at plaintiff's residence.
16 Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity
17 of the remaining allegations in paragraph 5, and therefore denies the same.

18 6. In answer to paragraph 6 to Plaintiff's Complaint, Defendant CARS denies the
19 presence of any employees, agents, or individuals acting on its behalf at plaintiff's residence.
20 Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity
21 of the remaining allegations in paragraph 6, and therefore denies the same.

1 7. In answer to paragraph 7 to Plaintiff's Complaint, Defendant CARS denies the
2 presence of any employees, agents, or individuals acting on its behalf at plaintiff's residence.
3 Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity
4 of the remaining allegations in paragraph 7, and therefore denies the same.

5 8. In answer to paragraph 8 to Plaintiff's Complaint, Defendant CARS denies taking
6 possession and/or possessing plaintiff's vehicle. Defendant CARS lacks knowledge or information
7 sufficient to form a belief as to the truth or falsity of the remaining allegations in paragraph 8, and
8 therefore denies the same.

9 9. In answer to paragraph 9 to Plaintiff's Complaint, Defendant CARS lack knowledge
10 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
11 denies the same.

12 10. In answer to paragraph 10 to Plaintiff's Complaint, Defendant CARS lacks knowledge
13 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
14 denies the same.

15 11. In answer to paragraph 11 of Plaintiff's Complaint, Defendant CARS lacks
16 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and
17 therefore denies the same.

18 12. In answer to paragraph 12 to Plaintiff's Complaint, Defendant CARS denies.

19 13. In answer to paragraph 13 to Plaintiff's Complaint, Defendant CARS lacks knowledge
20 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
21 denies the same.

1 14. In answer to paragraph 14 to Plaintiff's Complaint, Defendant CARS denies each and
2 every allegation.

3 15. In answer to paragraph 15 to Plaintiff's Complaint, Defendant restates its answers to
4 all preceding paragraphs and incorporate them by reference as fully set forth herein.

5 16. In answer to paragraph 16 to Plaintiff's Complaint, Defendant CARS lacks
6 knowledge or information sufficient to form a belief as to the truth or falsity of the Plaintiff's status
7 as a "'consumer' who allegedly owed a 'debt'" pursuant to the definition provided by 15 U.S.C. §
8 1692a, and therefore denies the same. Defendant CARS denies that it is a debt collector as defined
9 by 15 U.S.C. § 1692a. All other allegations set forth in paragraph 16 are denied.

10 17. In answer to paragraph 17 to Plaintiff's Complaint, Defendant CARS denies each
11 and every allegation asserted against it.

12 18. In answer to paragraph 18 to Plaintiff's Complaint, Defendant CARS denies each
13 and every allegation asserted against it.

14 19. In answer to paragraph 19 to Plaintiff's Complaint, Defendant CARS denies each
15 and every allegation asserted against it.

16 20. In answer to paragraph 20 to Plaintiff's Complaint, Defendant CARS denies each
17 and every allegation asserted against it.

18 21. In answer to paragraph 21 to Plaintiff's Complaint, Defendant CARS denies each
19 and every allegation asserted against it.

20 22. In answer to paragraph 22 to Plaintiff's Complaint, Defendant CARS restates its
21 answers to all preceding paragraphs and incorporate them by reference as fully set forth herein.

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1 23. In answer to paragraph 23 to Plaintiff's Complaint, Defendant CARS lacks knowledge
2 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
3 denies the same.

4 24. In answer to paragraph 24 to Plaintiff's Complaint, Defendant CARS lacks knowledge
5 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
6 denies the same.

7 25. In answer to paragraph 25 to Plaintiff's Complaint, Defendant CARS lacks knowledge
8 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
9 denies the same.

10 26. In answer to paragraph 26 to Plaintiff's Complaint, Defendant CARS lacks knowledge
11 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
12 denies the same.

13 27. In answer to paragraph 27 to Plaintiff's Complaint, Defendant CARS restates its
14 answers to all preceding paragraphs and incorporate them by reference as fully set forth herein.

15 28. In answer to paragraph 28 to Plaintiff's Complaint, Defendant CARS denies each
16 allegation asserted against it. With respect to allegations regarding other defendants, Defendant
17 CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations, and therefore denies the same.

19 29. In answer to paragraph 29 to Plaintiff's Complaint, Defendant CARS denies each
20 allegation asserted against it. With respect to allegations regarding other defendants, Defendant
21 CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations, and therefore denies the same.

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1 30. In answer to paragraph 30 to Plaintiff's Complaint, Defendant CARS denies each
2 allegation asserted against it. With respect to allegations regarding other defendants, Defendant
3 CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the
4 allegations, and therefore denies the same.

5 31. In answer to paragraph 31 to Plaintiff's Complaint, Defendant CARS denies each
6 allegation asserted against it. With respect to allegations regarding other defendants, Defendant
7 CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the
8 allegations, and therefore denies the same.

9 32. In answer to paragraph 32 to Plaintiff's Complaint, Defendant CARS denies each
10 allegation asserted against it. With respect to allegations regarding other defendants, Defendant
11 CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the
12 allegations, and therefore denies the same.

13 33. In answer to paragraph 33 to Plaintiff's Complaint, Defendant CARS restates its
14 answers to all preceding paragraphs and incorporate them by reference as fully set forth herein.

15 34. In answer to paragraph 34 to Plaintiff's Complaint, Defendant CARS lacks knowledge
16 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
17 denies the same.

18 35. In answer to paragraph 35 to Plaintiff's Complaint, Defendant CARS lacks knowledge
19 or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore
20 denies the same.

36. In answer to paragraph 36 to Plaintiff's Complaint, Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies the same.

37. In answer to paragraph 37 to Plaintiff's Complaint, Defendant CARS lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations, and therefore denies the same.

With respect to Plaintiff's Prayer for Relief, no response from Defendant CARS is required. To the extent a response is required, Defendant CARS denies that Plaintiff is entitled to any relief from Defendant CARS.

AFFIRMATIVE DEFENSES

WHEREFORE, having answered Plaintiff's Complaint, CARS hereby states and alleges the following affirmative defenses:

38. Plaintiff's claims against CARS are barred to the extent they fail to state a claim upon which relief may be granted.

39. Plaintiff's claims fail because Plaintiff has named the wrong party with respect to the actions alleged.

40. Defendant CARS is an inactive Washington Corporation, and has been since July 1, 2014.

41. Defendant CARS is not a debt collector as defined by 15 U.S.C. §1692a.

42. Defendant CARS is not a collection agency as defined by RCW 19.16, et. seq.

43. Defendant CARS has not violated any provision of RCW 19.86, et. seq.

1 44. The alleged injuries to Plaintiff were not caused by any acts or omissions by
2 Defendant CARS.

3 45. The alleged injuries to Plaintiff were caused by the acts of other Defendants and/or
4 third parties, other than Defendant CARS.

5 46. Plaintiff's claims against CARS are barred by the equitable doctrines of estoppel,
6 laches, waiver, and unclean hands.

7 47. Plaintiff's causes of action, if any, are not actionable against Defendant CARS
8 because the circumstances pleaded by Plaintiff are the result of unforeseen and unforeseeable acts of
9 third parties over whom Defendant CARS has or had no control.

10 48. Any set of circumstances creating a claim or cause of action, as alleged by Plaintiff or
11 otherwise, was effectively or legally caused or created by Plaintiff's own acts or omissions.

12 49. Plaintiff has failed to mitigate his damages.

13 50. Defendant CARS adopts and incorporates by reference any affirmative defenses
14 asserted by any other Defendant in this action to the extent that the same applies to Defendant CARS.

15 51. Defendant CARS reserves the right to assert additional affirmative defenses as
16 discovery in this litigation proceeds.

17 WHEREFORE, having fully answered Plaintiff's Complaint and having asserted affirmative
18 defenses, Defendant CARS prays for the following relief:

- 19 1. Plaintiff's Complaint be dismissed and he takes nothing thereby;
- 20 2. Recovery of all allowable attorneys' fees and costs under the applicable court rules,
21 state statute including RCW 4.84.185; and
- 22 3. Such other and further relief as the court deems just and equitable.

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1 DATED this 5th day of June, 2017.

2 ANDREWS ▪ SKINNER, P.S.

3 By s/ Karleen J. Scharer

4 STEPHEN G. SKINNER, WSBA #17317

5 KARLEEN SCHARER, WSBA #48101

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7 Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2017 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

ANDREWS ▪ SKINNER, P.S.

By s/ Karleen J. Scharer

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